

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA,
Plaintiff,

v.

OSCAR TRINIDAD RODRIGUEZ
Defendant

CRIMINAL NO. 00-001 (PG)

MOTION REQUESTING RE-SENTENCING HEARING

TO THE HONORABLE COURT:

COMES NOW defendant Oscar Trinidad Rodriguez represented by the Federal Public Defender and before this Honorable Court respectfully states and prays as follows:

On April 26, 2000 a Grand Jury in the District of Puerto Rico returned a superceding indictment against Oscar Trinidad Rodriguez (“Trinidad Rodriguez”) and other defendants (Docket Entry, “D.E.” # 152) Trinidad-Rodriguez was charged along with five other co-defendants of conspiracy to commit money laundering in violation of 18 U.S.C. §§1956 (h) and 1956 (a)(B)(I)& (ii). Mr. Trinidad Rodriguez exercised his constitutional right to a jury trial and was found guilty on January 22, 2001. (D.E. #345)

On August 16, 2001, the defendant was sentenced to sixty-three (63) months of imprisonment and three years of supervised release. (D.E. # 431). In March 2002, the defendant appealed this Honorable Court’s sentence. On January 29, 2003, the First Circuit affirmed Trinidad-

Page 2

Rodriguez' conviction but his sentence was vacated and the matter remanded to this Honorable Court for re-sentencing.¹ Mr. Trinidad-Rodriguez has yet to be re-sentenced.

Defendant Oscar Trinidad-Rodriguez hereby requests that pursuant to Fed. R. Crim. P. 32 a hearing be held to so that this Honorable Court may impose sentence; he further requests that he be granted thirty (30) days in which to prepare and submit a sentencing memorandum prior to such hearing.

The defendant was granted bail during the pendency of his appeal and is currently residing in Florida, where he has been gainfully employed. Defendant requests that after this Court imposes sentence, Mr. Trinidad-Rodriguez be granted the opportunity to self-surrender to the Bureau of Prisons.

Finally, the undersigned wishes to inform the Court that Epifanio Morales, Esq. previous First Assistant Federal Public Defender, has retired from this office, but will continue to collaborate with the Federal Public Defender in representing Mr. Oscar Trinidad-Rodriguez through sentencing.

WHEREFORE, it is respectfully requested from this Honorable Court, that it [a] schedule a sentencing hearing for Mr. Trinidad-Rodriguez, [b] grant him thirty (30) days prior to such date to submit a sentencing memorandum and [c] allow him to self-surrender once sentence is imposed.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 29nd day of August, 2005.

¹*United States v. Trinidad-Rodriguez*, 318 F.3d 268, (1st Cir. 2005)

Page 3

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this date, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following: AUSA Sonia Torres, Esq. I further certify that on this date, a copy of this motion was sent via fax to Patrick Hearn, Esq., Department of Justice Attorney, U.S. DOJ Narcotics Section, 1400 New York Ave, Office 8306, Washington, D.C. 20005, Fax (202) 514-0483

In San Juan, Puerto Rico, on this 29th day of August of 2005.

[S/ Patricia A. Garrity](#)
Assistant Federal Public Defender
USDC 204813
241 F. D. Roosevelt Avenue,
Hato Rey, Puerto Rico 00918-2441
Tel.(787) 281-4922
[E-Mail Patricia_Garrity@fd.org](mailto:Patricia_Garrity@fd.org)